



1/P 3728
JG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Shinji YAMASOTO et al.

Group Art Unit: 3728

Application No.: 10/019,400

Examiner: John G. Pickett

Filing Date: December 28, 2001

Attorney Docket No.: 7388/72545

Confirmation No.: 1864

Customer No.: 42798

INFORMATION DISCLOSURE STATEMENT

MAIL STOP IF
Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

October 6, 2005

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- () **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- () **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - () the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
 - or*
 - () the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- (X) **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References – Comments for the Examiner's Consideration

- (X) A copy of the non-English reference listed on the enclosed Form SB/08 is enclosed herewith.

The non-English reference was cited in a document mail-dated July 11, 2005 against a counter-part Japanese Patent Application, and the citation was only received later, but in any event such dates are less than three months from today's date of October 6, 2005. Applicants' U.S. legal representatives became aware of this information on October 6, 2005.

On present information and belief, the relevance of the non-English language reference is that it discloses in Table 3.12 on page 389 that a plastic film used for a packaging, which is made of low density polyethylene, has the moisture permeability of 40 to 100 g/m²/24 hr/0.01mm, which is measured under JIS Z 0208 in performance thereof), but it does not disclose nor suggest the features of the allowed claims.

Upon information and belief, five (5) other references were cited on July 11, 2005 in connection with the Japanese patent application as follows: JP-H05-39379A; JP-H07-96092A; JP-H08-325141A; JP-H09-122221A; and JP-H10-167284. Upon information and belief, all were previously cited herein. See Information Disclosure Statement of May 27, 2005 as produced in the PTO Pair Electronic file history. This is confirmable by inspecting PTO Pair Electronic file history, although it is noted that JP-H07-9609 is included, but was not separately indexed in PTO PAIR. It appears that the Examiner herein has already previously acknowledged his careful, independent review of references as seen from the Information Disclosure Statement(s) or equivalent thereto submitted herein on May 27, 2005 and, for instance, April 19, 2002.

The Examiner will note certain of the above-mentioned JP documents are also disclosed in the present specification, such as page 1 bridging to page 2 as an example.

Upon information and belief, a third party observation was also submitted against a counterpart to the present application. A copy is attached. A translation is not presently available to Applicants' U.S. legal representative. This information came to the attention of Applicants' U.S. legal representative on October 6, 2005.

If the Examiner has any questions, he is invited to contact Applicants' U.S. legal representative.

- () A copy of the Supplementary European Search Report is enclosed herewith.
- () The references listed on the enclosed Form PTO/SB/08 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

(X) The **undersigned** hereby states upon information and belief that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application or against such application not more than three months prior to the filing of the Information Disclosure Statement.

() The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

() The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

() **No fee** is owed by the applicant(s).

(X) The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

() Attached is a check in the amount of \$180.00.

(X) Charge Deposit Account No. 06-1135 regarding Order No. 7388/72545, in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.)

Information Disclosure Statement
U.S. Application No. 10/019,400

Attorney Docket No. 7388/72545

Authorization to Charge Additional Fees

(X) If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135 regarding Order No. 7388/72545. (A duplicate copy of this communication is enclosed for that purpose.)

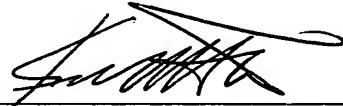
Instructions as to Overpayment

(X) Credit Account No. 06-1135 regarding Order No. 7388/72545.
() Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: **October 6, 2005**


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PTO/SB/08a Substitute for Form 1449A/PTO		Application Number	10/019,400
		Filing Date	December 28, 2001
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		First Named	Shinji YAMASOTO
		Art Unit	3728
		Examiner Name	John G. Pickett
Sheet	1	of	1
Attorney Docket			
7388/72545			
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
		"Packaging Technology Manual", Aggregate Corporation of Nippon Packaging Technology Associate, 1 st Ed., pp. 388-389, July 1, 1995,	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.